

CHAPTER 261
SB 35 – FINAL VERSION

03/07/13 0518s
24Apr2013... 1263h
24Apr2013... 1341h
06/26/13 2040CofC

2013 SESSION

13-0952
06/03

SENATE BILL **35**

AN ACT relative to the master jury list.

SPONSORS: Sen. Cataldo, Dist 6

COMMITTEE: Judiciary

AMENDED ANALYSIS

This bill modifies certain provisions relative to jurors due to implementation of jury management software.

This bill also exempts the master jury list from the right-to-know law.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through~~].
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to the master jury list.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 261:1 Jurors; Definitions; Master Jury List. RSA 500-A:1, IV is repealed and reenacted to read
2 as follows:

3 IV. “Master jury list” means the list blended and compiled from the voter lists, which shall
4 be provided by the secretary of state pursuant to RSA 654:45, VI on encrypted removable media, and
5 from the official record of persons 18 years of age or older who hold a current New Hampshire
6 driver’s license or a department of safety identification card, which shall be provided by the
7 department. Information contained in the master jury list shall be private and confidential and shall
8 not be subject to RSA 91-A.

9 261:2 Preparation of Master Juror List. Amend RSA 500-A:2 to read as follows:

10 500-A:2 Preparation of Master Jury List. The office shall annually [~~prepare and deliver~~]
11 **provide** to the clerk of court a master jury list for each county or judicial district thereof. A
12 duplicate list shall be retained by the office. Voter lists and department of safety lists, as well as the
13 master jury list, are confidential documents to be used by the office and the respective trial courts
14 only for purposes of jury selection. ***Voter lists shall contain only the names and addresses of***
15 ***persons listed; additional information, such as date of birth, shall be available to the office***
16 ***only for the purpose of resolving discrepancies in the master jury list.***

17 261:3 Juror Qualification Form. Amend RSA 500-A:6 to read as follows:

18 500-A:6 Juror Qualification Form.

19 I. When [~~ordered~~] **required** to do so [~~by the court~~], the clerk shall draw [~~at random~~]
20 from the master jury list the names or identifying numbers of as many prospective jurors as [~~the court by~~
21 ~~order requires~~] **is necessary to create a sufficient jury pool**. The names or identifying numbers of
22 prospective jurors may be chosen either by random drawing or by computer on a random basis. The
23 clerk shall prepare an alphabetical list of the names drawn. The names drawn on the list may be
24 disclosed only to persons authorized to see the list under this chapter or upon specific order of the
25 court. The addresses of jurors shall not be disclosed, except to counsel, **to** a pro se party examining
26 juror qualification forms, or otherwise in accordance with court rule.

27 II. The clerk shall [~~mail~~] **make available** to every prospective juror whose name is drawn

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1 from the master list a juror qualification form, accompanied by instructions to ~~[fill-out]~~ **complete**
2 and ~~[return]~~ **submit** the form ~~[by-mail]~~ to the clerk within 10 days after its receipt.

3 III. The ~~[clerk]~~ **court** shall prepare the juror qualification form~~[-subject to approval by the~~
4 ~~court]~~. The juror qualification form shall:

5 (a) Include the name, address, and age of the prospective juror;

6 (b) Require the prospective juror to specify if he **or she** is:

7 (1) A citizen of the United States and a resident of the county;

8 (2) Able to read, speak, and understand the English language;

9 (3) Subject to any physical or mental disability which would impair the prospective
10 juror's capacity to render satisfactory jury service; or

11 (4) A convicted felon whose conviction has not been annulled or whose conviction is
12 not eligible for annulment under New Hampshire law; and

13 (c) Contain the prospective juror's declaration that his **or her** responses are true to the
14 best of his **or her** knowledge and his **or her** acknowledgment that a willful misrepresentation of a
15 material fact may be punishable as a misdemeanor under the laws of this state.

16 IV. Notarization of the juror qualification form shall not be required.

17 V. If the prospective juror is unable to ~~[fill-out]~~ **complete** the form, another person may do it
18 for him **or her**. If another person ~~[fills-out]~~ **completes** the form, ~~[he]~~ **such person** shall indicate
19 that he **or she** has done so and why ~~[he has done so]~~.

20 VI. If it appears there is an omission, ambiguity, or error in a ~~[return]~~ **submitted** form, the
21 clerk shall ~~[again-send]~~ **return** the form ~~[with-instructions]~~ to the prospective juror **with**
22 **instructions** to make the necessary addition, clarification, or correction and ~~[return]~~ **resubmit** the
23 form to the clerk within 10 days after receipt of these instructions.

24 261:4 Failure to Return a Juror Qualification Form; Questioning by the Clerk or Court. Amend
25 RSA 500-A:7 to read as follows:

26 500-A:7 Failure to ~~[Return]~~ **Submit** a Juror Qualification Form; Questioning by the Clerk or
27 Court.

28 I. Any prospective juror who does not ~~[return]~~ **submit** a completed juror qualification form
29 as instructed shall be directed by the clerk to appear at the court to ~~[fill-out]~~ **complete** the juror
30 qualification form.

31 II. At the time of his **or her** appearance for jury service, or at the time of any interview
32 before the court or clerk, a prospective juror may be required to ~~[fill-out]~~ **complete** another juror
33 qualification form in the presence of the court or clerk. The prospective juror may then be
34 questioned, but only with regard to his **or her** responses to questions contained on the form and
35 grounds for his **or her** excuse for disqualification. Any information acquired by the court or clerk at
36 such time shall be noted on the juror qualification form.

37 261:5 Exemption from Jury Service. Amend RSA 500-A:9, II through IV to read as follows:

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1 II. If any person at the age of 70 years or more is selected as a juror he *or she* may, at his *or*
2 *her* discretion, ~~[file with]~~ **inform** the court ~~[a written statement]~~ prior to the convening of court ~~[to~~
3 ~~the effect]~~ that he *or she* does not wish to act as a juror. He *or she* shall then be discharged, and
4 another juror may be drawn in his *or her* place.

5 III. If any member of the general court or delegate to a constitutional convention is selected as
6 a juror when the general court or a constitutional convention is in session, he *or she* may ~~[file with]~~
7 **inform** the court ~~[a written statement to the effect]~~ that he *or she* does not wish to act as a juror. ~~[He~~
8 ~~shall then be discharged, and another juror may be drawn in his place from the same town.]~~

9 IV. No person shall serve as a petit juror at a term of court at which he *or she* has a case
10 pending which may be tried by the jury at that time. ~~[He shall be discharged from service as a juror,~~
11 ~~and another juror may be drawn in his place from the same town.]~~

12 261:6 Discharge by Court. Amend RSA 500-A:10 to read as follows:

13 500-A:10 Discharge by Court. If a person selected and attending court as a juror is deemed by
14 the court to be mentally or physically unfit to act as a juror, he *or she* shall be discharged. ~~[Another~~
15 ~~juror may be drawn in his place from the same county or judicial district thereof.]~~

16 261:7 Alternate Juror. Amend RSA 500-A:13, V to read as follows:

17 V. If, at any time after the final submission of the case to the jury, and before the jury has
18 agreed on a verdict, a juror becomes incapacitated, is disqualified, or dies, the presiding justice may
19 order him *or her* to be discharged and direct the clerk to ~~[place the names of all of the remaining~~
20 ~~alternates in a box and draw]~~ **select at random** the name of an alternate, who shall then take the
21 place of the discharged juror on the jury. Before making a substitution, the presiding justice shall
22 make a finding on record that the substitution will not cause prejudice to any party. The presiding
23 justice shall instruct the jury to recommence deliberations and shall give the jury such other
24 supplemental instructions as may be appropriate. The jury shall then renew its deliberations with
25 the alternate juror.

26 261:8 Repeal. RSA 500-A:3-a, relative to preparation of master jury list; computer, is repealed.

27 261:9 New Paragraph; Exemptions From Right-to-Know Law; Master Jury Lists. Amend RSA
28 91-A:5 by inserting after paragraph I the following new paragraph:

29 I-a. The master jury list as defined in RSA 500-A:1, IV.

30 261:10 Effective Date. This act shall take effect July 1, 2013.

31 Approved: July 24, 2013

32 Effective Date: July 1, 2013